

MINUTES OF BOARD MEETING

November 14, 2001
City Council Chambers
City of La Quinta
78-495 Calle Tampico
La Quinta, CA 92253

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by Chair Michael Smith at 10:00 a.m. on November 14, 2001, in the City Council Chambers, City of La Quinta, California.

1. Board Member Roll Call

Present: Dr. Dan Baxley, Gary Johnson, Leon M. Lesicka, Michael A Smith, Brenda Soulliere

Nancy Wright present via teleconference for consideration of ACLO No. 01-207
from:

Hilton Pittsburgh & Towers Hotel
600 Commonwealth Place
Pittsburgh, Pennsylvania 15222
(412) 391-4600

Absent: Mary Ann E. Martin Andreas

2. Staff Present

Adnan Al-Sarabi, Alex Alimohammadi, Jose Angel, Sheila Ault, John Carmona, Maria de la Paz Carpio-Obeso, Jose Figueroa-Acevedo, Kristie Garcia, Janina Guarino, Phil Gruenberg, Chris Igbiniedion, Theresa Illare, Kirk Larkin, Teresa Newkirk, Robert Perdue, Logan Raub, Maribel Rodriguez, Jennie Snyder, Joan Stormo, Hilda Vasquez, Doug Vu, Soni Wells and Doug Wylie

3. Others Present

Steve Bigley, Coachella Valley Water District
Joe Cornejo, Imperial Community Colleges District
Tom Dodson, Twentynine Palms Water District/Ventura Coastal Corporation
Luis Estrada, City of Calexico
A.P. Fisichelli, Montgomery & Watson
Ed Glenn, University of Arizona
Oscar Herrera, NAD Bank
Randy Hines, City of El Centro
Tina Johnson, Twentynine Palms Water District
John Kemp, Niland Sanitary District
Mike Kemp, Imperial Irrigation District

Rudy Maldonado, Imperial Irrigation District/CNRC
Ricardo Martinez, California Environmental Protection Agency
Lori Okun, State Water Resources Control Board - OCC
William Ray, State Water Resources Control Board - DWQ
Fred Rubel, Twentynine Palms Water District
Carlos Urrunaga, Citizen
Grace Verhoeven, Park Deposition Services
Rick Webster, Imperial Valley College
Panda Workman, Riverside County Waste Management Department
Mike Wright, Twentynine Palms Water District

4. Public Forum

No one from the public chose to speak.

5. Uncontested Waste Discharge Requirements

NOTE: Mr. Johnson requested proposed Board Orders No. 01-139, 01-141, 01-142 and 01-143 be considered separately.

JC	01-156	Big Bear Area Regional Wastewater Agency, Owner/Operator, Export of Recycled Water to Lucerne Valley - Lucerne Valley, San Bernardino (Updated Order)
JS	01-158	Wm. Bolthouse Farms, Inc., Holtville Plant, Owner/Operator, Washwater Treatment Facility - Holtville, Imperial County (Updated Order)
DM	01-160	City of Needles, Owner/Operator, Wastewater Treatment Plant - Needles, San Bernardino County (Updated Order)
SA	01-187	Twentynine Palms Water District, Owner/Operator, Fluoride Removal Water Treatment Plant – Twentynine Palms, San Bernardino County (New Order)
CS	01-189	Westwind Enterprises, Ltd., Owner/Operator, Rio Bend RV and Golf Resort, Septic Tank/Oxidation Basin Disposal Facilities - South of Seeley, Imperial County (Updated Order)
	01-190	Change of Ownership and/or Name
	MO	90-044 Magma Power Company Imperial County

MOTION: Ms. Soulliere moved, Mr. Johnson seconded, and motioned carried unanimously that Board Orders No. 01-156, 01-158, 01-160, 01-187, 01-189 and 01-090, including the errata, be adopted.

6. Public Hearing for Consideration to Affirm, Reject, or Modify Proposed ACLO No. 01-207, Imperial Community College District WWTP

The Chair read an opening statement, those planning to testify took the appropriate oath and a roll call was taken.

Mr. Lesicka recused himself from voting on and discussing this item.

Mr. Angel, Regional Board staff, explained that the California Water Code requires the Regional Board to assess a mandatory minimum penalty of \$3000 for each chronic violation of an NPDES Permit, beginning with the fourth violation. He reported that the Imperial Valley Community College Wastewater Treatment Plant (WWTP) violated effluent limitations for fecal coliform, set forth in revised Monitoring and Reporting Program No. 99-009. Violations occurred six times during the periods of January 23, 2001 to July 22, 2001 and February 28, 2001 to August 27, 2001. Mr. Angel provided signed monitoring reports as evidence that the discharger was aware of the requirements of revised Monitoring and Reporting Program No. 99-009. He reported that on September 21, 2001, the Regional Board's Executive Officer issued ACLC No. 01-204, which proposed the discharger pay \$9,000 of administrative civil liability. He added that on October 10, 2001, the discharger requested a hearing on this matter.

Mr. Joe Cornejo, WWTP Operator for Imperial Community Colleges District, explained that he did not challenge the charges against the District, but wanted to explain circumstances that led to the chronic violations, and request using the \$9,000 penalty toward improvements to the WWTP. He reported that he did not receive revised Monitoring and Reporting Program No. 99-009, and, therefore was not aware of a change in monitoring requirements. He added that the State of California recently directed the District to upgrade the WWTP. During the upgrade process, the District experienced power loss and other obstacles, which led to chronic violations—however, the WWTP was now back in compliance. He stated that he has been an operator for 15 years and this was the first noncompliance situation he had experienced.

Mr. Rick Webster, Director of Maintenance for Imperial Community Colleges District, verified a problem with the mail system at the District and that Mr. Cornejo did not receive revised Monitoring and Reporting Program No. 99-009. He added that Mr. Cornejo was a very competent WWTP Operator.

Mr. Angel requested that his staff report and evidence be made part of the record.

Mr. Gruenberg, Regional Board Executive Officer, stated that compliance projects were not an option in this matter unless the ACLO penalty was to be increased. He recommended adoption of ACLO No. 01-207.

The Chair closed the Public Hearing.

Ms. Wright stated that she would rather allow Imperial Community Colleges District to use the \$9,000 toward compliance projects, but recognized that was not an option in this case.

MOTION: Dr. Baxley moved and Mr. Johnson seconded to adopt ACLO No. 01-207. A roll call vote was taken.

Ayes: Dr. Baxley, Mr. Johnson, Mr. Lesicka, Mr. Smith, Ms. Soulliere and Ms. Wright

Nays: None

Motion carried unanimously that ACLO No. 01-207 be adopted.

NOTE: Nancy Wright's teleconference ended after this motion passed.

7. Uncontested Waste Discharge Requirements (Removed for Discussion)

HA 01-139 United States Department of the Interior, Bureau of Land Management, Owner, Riverside County Waste Management Department (RCWMD), Operator, Desert Center Sanitary Landfill, Class III Landfill - North of Desert Center, Riverside County (Updated Order)

Mr. Gary Johnson, Board Member, stated that it was his understanding that Desert Center Sanitary Landfill was closed, however proposed Board Order No. 01-139 stated that it would be open two times per year for a long period of time.

Mr. Robert Perdue, Regional Board Assistant Executive Officer, stated that the main reason a landfill would operate two days per year is to avoid large closing costs. He reported that RCWMD plans to move waste from Desert Center Sanitary Landfill to Eagle Mountain Landfill, which is expected to open in ten years. He added that if for some reason the waste was not relocated to Eagle Mountain Landfill by the year 2011, Desert Center Sanitary Landfill would be closed and capped.

Mr. Johnson stated that he spoke to Mr. Steve Jones, California Integrated Waste Management Board (CIWMB) Member, who informed him that the CIWMB took a dim view of landfills remaining open only to avoid paying closing costs.

Mr. Johnson asked Ms. Panda Workman, RCWMD, if the Desert Center Sanitary Landfill was closed. Ms. Workman said that to her knowledge the landfill was not closed.

Mr. Johnson stated that the Board needs to protect water quality and according to proposed Board Order No. 01-139, the unlined landfill was contaminating the ground water. He added that the chance of continued ground water contamination was greater if the landfill was not closed.

Mr. Johnson stated that to his knowledge RCWMD raised tipping fees for Coachella Valley residents in order to accrue money for use in closing Desert Center Sanitary Landfill. He added that RCWMD already accrued sufficient money and should use it to close the landfill.

Mr. Alex Alimohammadi, Regional Board staff, reported that RCWMD had submitted a Preliminary Closure/Post-Closure Maintenance Plan to the Regional Board, which included a closure cost estimate and were required to submit a Final Closure Plan one year prior to closing a landfill. He reported that the landfill would accept a maximum of 120 tons-per-year of solid waste, which in his opinion would not increase contamination to ground water.

MOTION: Mr. Johnson moved to defer Item No. 3 until RCWMD provides answers to the following questions:

1. Why has Desert Center Sanitary Landfill not been closed?
2. When does RCWMD plan to close Desert Center Sanitary Landfill?
3. What are the anticipated costs to close Desert Center Sanitary Landfill?
4. Does RCWMD have funds available to close Desert Center Sanitary Landfill?

Dr. Baxley seconded the motion, discussion ensued, and a roll call vote was taken.

Ayes: Mr. Johnson

Nays: Dr. Baxley, Mr. Lesicka, Mr. Smith and Ms. Soulliere

Motion was defeated.

MOTION: Dr. Baxley moved and Ms. Soulliere seconded to adopt Board Order No. 01-139. A roll call vote was taken.

Ayes: Dr. Baxley, Mr. Johnson, Mr. Lesicka, Mr. Smith and Ms. Soulliere

Nays: None

Motion carried unanimously that Board Order No. 01-139 be adopted.

8. Revised Motion on Board Order No. 01-139, Desert Center Sanitary Landfill

MOTION: Dr. Baxley moved, Mr. Lesicka seconded, and motion passed unanimously to add the errata to previous motion to adopt Board Order No. 01-139.

9. Cal/EPA Update on Border Issues

Mr. Ricardo Martinez, Assistant Secretary for Border Affairs at Cal/EPA, thanked the Regional Board for its continued support of Cal/EPA's Unified Border Environmental Program, which supports Governor Davis' Mexico Initiative. He stated that the Border Program was needed because activities in Mexico directly impact California. He added that the key goals of the Border Program are to protect the shared region, restore and conserve natural resources, achieve and maintain high standards of public health, increase sharing of science and technology to address environmental challenges, ensure cooperation for enforcement of environmental laws and regulations, provide equity on both sides of the Border, and strengthen relationships across the Border.

10. Public Hearing to Consider Approval of Negative Declaration SCH No. 2001051040, Consideration for Adoption of Resolution No. 01-192, and Consideration for Adoption of Waste Discharge Requirements Order No. 01-193 for Ventura Coastal Corporation

Those planning to testify took the appropriate oath.

Ms. Jennie Snyder, Regional Board staff, reported that Ventura Coastal Corporation (VCC) operated a citrus ranch and processing operation near Indio, California that was currently

regulated under Board Order No. 93-026. She explained that VCC used up to 500,000 gallons-per-day (gpd) of process wastewater to irrigate 135 acres of citrus trees located adjacent to the facility. She added that VCC requested that the Regional Board revise their existing Board Order to increase the maximum volume of wastewater used for irrigation to 750,000 gpd and to increase the acreage that was being irrigated with wastewater to 415 acres.

Mr. Tom Dodson, representative for Ventura Coastal Corporation, requested that Resolution No. 01-192 and Board Order No. 01-193 be adopted.

Mr. Gruenberg recommended that Resolution No. 01-192 and Board Order No. 01-193 be adopted.

MOTION: Mr. Lesicka moved and Mr. Johnson seconded to adopt Resolution No. 01-192 and Board Order No. 01-193. A roll call vote was taken.

Ayes: Dr. Baxley, Mr. Johnson, Mr. Lesicka, Mr. Smith and Ms. Soulliere

Nays: None

Motion carried unanimously that Resolution No. 01-192 and Board Order No. 01-193 be adopted.

11. Uncontested Waste Discharge Requirements (Removed for Discussion)

HA 01-141 United States Department of the Interior, Bureau of Land Management, Riverside County Waste Management Department, Owners, Riverside County Waste Management Department Operator, Edom Hill Class III Municipal Solid Waste Management Facility – East of Mecca, Riverside County (Updated Order)

Mr. Johnson stated that proposed Board Order No. 01-141 indicated Total Dissolved Solids (TDS) ground water contamination at Edom Hill Waste Management Facility and asked Regional Board staff what was being done to address it.

Mr. Perdue replied that the referenced TDS concentrations are naturally occurring. Mr. Alimohammadi added that Edom Hill Waste Management Facility was scheduled to close in the year 2004.

MOTION: Mr. Johnson moved, Ms. Soulliere seconded, and motion carried unanimously that Board Order No. 01-141, including the errata, be adopted.

12. Uncontested Waste Discharge Requirements (Removed for Discussion)

HA 01-142 Riverside County Waste Management Department, Owner/Operator, Mecca II Sanitary Landfill, Class III Landfill – East of Mecca, Riverside County (Updated Order)

Mr. Johnson stated that, according to proposed Board Order No. 01-142, there were high levels of nitrates, chlorides, and VOCs at Mecca II Sanitary Landfill. He asked Regional Board staff how serious the problem was and what was being done to address it.

Mr. Alimohammadi replied that any contamination to ground water was serious, the Regional Board issues Cleanup and Abatement Orders for each release to ground water, and that the RCWMD submitted an Evaluation Monitoring Program to the Regional Board.

MOTION: Mr. Johnson moved, Mr. Lesicka seconded, and motion carried unanimously that Board Order No. 01-142, including the errata, be adopted.

13. Uncontested Waste Discharge Requirements (Removed for Discussion)

HA 01-143 Riverside County Waste Management Department, Owner/Operator, Oasis Sanitary Landfill, Class III Landfill - South of Oasis, Riverside County (Updated Order)

Mr. Johnson stated that, according to proposed Board Order No. 01-143, Oasis Sanitary Landfill would remain open two days per year until the year 2186. He said that the risk of ground water contamination at the site was greater if the landfill was not closed. He added that RCWMD had accrued money to close the landfill.

MOTION: Dr. Baxley moved and Ms. Soulliere seconded to adopt Board Order No. 01-143, including the errata. A roll call vote was taken.

Ayes: Dr. Baxley, Mr. Lesicka, Mr. Smith and Ms. Soulliere

Nays: Mr. Johnson

Motion carried that Board Order No. 01-143, including the errata, be adopted.

14. NAD Bank Presentation

Oscar Herrera, Technical Officer for NAD Bank, reported that U.S./Mexico Border needs range from two to five billion dollars. He explained that Mexicali was at least twelve years behind the United States in water treatment technology. He reported that Mexicali had a population of approximately 640,000 people, 96% with running water and 89% with sewer service. He reported that Mexicali's WWTP infrastructure was 30-40 years old and there was a large problem in getting wastewater from homes to treatment plants. He stated that the cost for improvements was approximately 58 million dollars, the funding was in place, and construction had begun.

15. Public Hearing to Consider Compliance with Suspended ACLO No. 00-084, Niland Sanitary District

The Chair read an opening statement, those planning to testify took the appropriate oath and a roll call was taken.

Mr. William Ray, Quality Assurance Program Manager for the SWRCB, reported that Niland Sanitary District's QA/QC document and program were complete and working as expected.

Mr. John Kemp, representative for Niland Sanitary District, thanked Mr. Ray for his participation in revising the District's QA/QA document.

MOTION: Dr. Baxley moved, Mr. Lesicka seconded, and motion carried unanimously that Niland Sanitary District adopted an adequate QA/QC program in compliance with ACLO No. 00-084.

16. Schedule of Board Meetings for Calendar Year 2002

MOTION: Ms. Soulliere moved, Mr. Lesicka seconded and motion carried unanimously that the Schedule of Board Meetings for Calendar Year 2002 be adopted.

17. Update on State Board Activities

Ms. Lori Okun reported that the State Water Resources Control Board's (SWRCB's) Draft Enforcement Policy was now available on their website and a workshop regarding the policy would be scheduled for early January 2002.

18. Regional Board Executive Officer's Report

Mr. Gruenberg announced that many Regional Board staff members attended funeral services on November 8, 2001 for David Martin, who was an Engineer in the NPDES Unit at the Regional Board for the past year. He added that Mr. Martin was greatly missed by staff.

Mr. Gruenberg discussed concepts for comprehensively addressing water quality problems associated with the New River and Salton Sea.

19. Regional Board Staff Reports

Mr. Gruenberg reported that all staff reports would be distributed in writing.

20. Board Member Comments

There were no comments from Board Members at this time.

21. Regional Board Chair's Report

Mr. Smith reported that he attended the WQCC Meeting on November 1- 2, 2001, where he was able to review the SWRCB's Draft Enforcement Policy.

22. Adjournment

The meeting adjourned at 1:15 p.m.